**To:** Anthony J. Biller(ajbiller@envisage.law)

Subject: U.S. Trademark Application Serial No. 97602478 - BLUE LIZARD

**AUSTRALIAN SUNSCREEN - 35003.3751** 

**Sent:** July 18, 2023 06:59:05 PM EDT

**Sent As:** tmng.notices@uspto.gov

### **Attachments**

australian sunscreen 1

australian sunscreen 2

australian sunscreen 3

australian sunscreen 4

australian sunscreen 5

Blue Lizard

# **United States Patent and Trademark Office (USPTO) Office Action (Official Letter) About Applicant's Trademark Application**

U.S. Application Serial No. 97602478

Mark: BLUE LIZARD AUSTRALIAN SUNSCREEN

# **Correspondence Address:**

ANTHONY J. BILLER ENVISAGE LAW 2601 OBERLIN ROAD RALEIGH NC 27608 UNITED STATES

Applicant: Crown Laboratories, Inc.

Reference/Docket No. 35003.3751

Correspondence Email Address: ajbiller@envisage.law

### NONFINAL OFFICE ACTION

**Response deadline.** File a response to this nonfinal Office action within three months of the "Issue date" below to avoid <u>abandonment</u> of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the "How to respond" section below.

**Request an extension.** For a fee, applicant may <u>request one three-month extension</u> of the response deadline prior to filing a response. The request must be filed within three months of the "Issue date" below. If the extension request is granted, the USPTO must receive applicant's response to this letter within six months of the "Issue date" to avoid abandonment of the application.

**Issue date:** July 18, 2023

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

### SEARCH OF USPTO DATABASE OF MARKS

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

### **SUMMARY OF ISSUES:**

• Disclaimer Required

## **DISCLAIMER REQUIRED**

Applicant must disclaim the wording "AUSTRALIAN SUNSCREEN" because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant's goods and/or services. See 15 U.S.C. §§1052(e)(1), 1056(a); DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd., 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The attached evidence shows this wording refers to types of sunscreens that originated in Australia. Applicant's website indicates that its sunscreen products are such Australian sunscreens. Thus, the wording merely describes a feature or characteristic of applicant's goods and services.

Applicant may respond to this issue by submitting a disclaimer in the following format:

No claim is made to the exclusive right to use "AUSTRALIAN SUNSCREEN" apart from the mark as shown.

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the Disclaimer webpage.

### RESPONSE GUIDELINES

For this application to proceed, applicant must explicitly address each refusal or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see "Responding to Office Actions" and the informational video "Response to Office Action" for more information and tips on responding.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the requirement in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. See 37 C.F.R. §§2.62(c), 2.191;

TMEP §§304.01-.02, 709.04-.05.

**How to respond.** File a <u>response form to this nonfinal Office action</u> or file a <u>request form for an extension of time to file a response</u>.

/Jacob Vigil/ Jacob Vigil Examining Attorney LO103--LAW OFFICE 103 (571) 270-3586 Jacob.Vigil@USPTO.GOV

### RESPONSE GUIDANCE

- Missing the deadline for responding to this letter will cause the application to <u>abandon</u>. A response or extension request must be received by the USPTO before 11:59 p.m. Eastern Time of the last day of the response deadline. Trademark Electronic Application System (TEAS) <u>system availability</u> could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email <u>TEAS@uspto.gov</u>.
- Responses signed by an unauthorized party are not accepted and can cause the application to abandon. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with <u>legal authority to bind a juristic applicant</u>. If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find contact information for the supervisor** of the office or unit listed in the signature block.

https://labmuffin.com/whats-the-deal-with-australian-sunscreen/ at 03:48:00, 07/18/2023

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Hil I'm Michelle, chemistry PhD, science educator and cosmetic chemist, and I'm here to help you figure out which beauty products are and aren't worth buying, using science.













### WHAT'S THE DEAL WITH AUSTRALIAN SUNSCREEN?

19 January 2020 By Michelle Wong

Affiliate Disclosure: I receive a small commission for purchases made via affiliate links.

How to cite: Wong M. What's the deal with Australian sunscreen?. Lab Muffin Beauty Science, January 19, 2020. Accessed July 18, 2023. https://labmuffin.com/whats-the-deal-

Australian sunscreens are a bit unusual. A few people have recently asked me why Australian sunscreens often don't show a full ingredients list, and why some sunscreens get downgraded from high SPFs to SPF 15 once they hit the Australian market. There's also the fact that some Australian sunscreens have questionably low SPF ratings, and why some companies just can't be bothered bringing their sunscreens to the Australian market.

It's to do with how the Australian Government has chosen to regulate some sunscreens – which I think is generally a great approach, but it does have some weird implications.

Note: This is my unqualified opinion as a skincare nerd / cosmetic chemist – I'm not a lawyer, so don't rely solely on this if you're looking to launch an SPF product in Australia!

For more information on sunscreens in general, check out the free sample chapter of The Lab Muffin Guide to Basic Skincare.







- 1 Therapeutic vs cosmetic sunscreens
- 2 TGA Regulation

### THERAPEUTIC VS COSMETIC **SUNSCREENS**

In Australia, SPF-containing products are divided into therapeutic sunscreens and cosmetic sunscreens.

Therapeutic sunscreens include:

- Primary sunscreens (i.e. products that are marketed to be used primarily as UV protection) higher than SPF 4

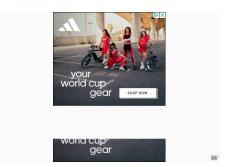




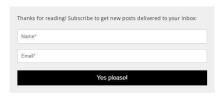
• Moisturisers with SPF nigher than 15

In other words, these are the serious sunscreens that you'd rely on to protect you from the sun. These are classified as therapeutic goods (i.e. medications or drugs), so they're regulated by the Therapeutic Goods Administration (the TGA – similar to the FDA in the US, but the drug part only).

(Sunscreens containing some specific ingredients are also regulated: insect repellent, human-derived ingredients, and... animal organs.)



Cosmetic sunscreens are everything else, including:



- lip products with SPF higher than 4
- foundations with SPF higher than 4
- $\bullet$  moisturisers with SPF 15 or lower (under 300 g or 300 mL)
- sunbathing skin care products with SPF between 4 and 15 (under 300 g or 300 mL)





These are regulated like regular cosmetic products:

- the Australian Competition and Consumer Commission (ACCC) regulates safety and labelling
- the National Industrial Chemicals Notification and Assessment Scheme (NICNAS) regulates the ingredients

So to avoid classification as a therapeutic sunscreen (and therefore avoid a lot of administrative costs and hurdles, which are sometimes difficult to overcome), a product can classify itself as a moisturiser with an SPF 15 (the most common situation in my experience). However, this means that the product has to be marketed so that it's clear that its primary purpose is NOT as UV protection, so that consumers aren't led to rely on a substandard product to protect against the sun – a line which I think is sometimes overstepped.



TGA REGULATION

Therapeutic sunscreens need to be listed or registered with the TGA. The vast majority of the time, sunscreens are listed, which has less strict  $% \left( 1\right) =\left( 1\right) \left( 1\right) \left($ requirements compared to registration (sunscreens are considered lower risk than many other medications out there). However, these regulations are still much stricter than for cosmetic sunscreens.

Sunscreens that make extra therapeutic claims, like reduction of free





radicals or immune suppression, need to be registered with the  $1\mbox{$\mbox{$\mbox{$}$}$}\mbox{$\mbox{$}$$ 

Therapeutic sunscreens that are legally allowed to be marketed in Australia can all be found in the Australian Register of Therapeutic Goods (ARTG). My quick check of the ARTG didn't find any registered SPF products, only listed ones.

The ARTG listing or registration number needs to be printed on the packaging. This is in the format "AUST L [number]" (for listed sunscreens) or "AUST R [number]" (for registered sunscreens):



Ultraceuticals moisturiser with SPF 30: listed therapeutic sunscreen with listing number







Ombra face sunscreen with SPF 50+: listed therapeutic sunscreen with listing number



Bioderma BB cream with SPF 50+: cosmetic sunscreen without listing number





### UV PROTECTION

The main requirement for a therapeutic sunscreen to be listed is that the SPF factor has to be tested according to the AS/NZS 2604:2012 standard, which requires testing on a minimum of 10 human subjects in accordance with the international ISO 24444:2010 standard. The results also need to be consistent for the sunscreen to be listed. Any changes to the formula that might affect SPF (including changes to the inactive ingredients) means the sunscreen must be tested again, and often means it'll need a new ARTG listing number.

Only certain SPF numbers are allowed for the rapeutic sunscreens: 4, 6, 8, 10, 15, 20, 25, 30, 40, 50 and 50+.

Related post: What Does SPF Mean? The Science of Sunscreen

Additionally, broad spectrum UVA protection is mandatory for:

- all therapeutic sunscreens regulated by the TGA
- cosmetic sunscreens with SPF 30 or higher





For a sunscreen to be broad spectrum, it has to pass both the critical wavelength >370 nm and UVAPF/SPF ratio >1/3 tests (more info on this in my post on *Why you should protect your skin from UVA (and how)* (with video)).

Tested water resistance claims can also be included as well.

### **ACTIVE INGREDIENTS**

Therapeutic sunscreens are limited to using only the permitted active sunscreen filters at the allowed range of concentrations. The safety of these filters (when used at the allowed concentrations) has been assessed by the TGA, so the safety and efficacy of the final formula isn't evaluated by the TGA for listed sunscreens. The TGA does tell brands to consider the safety of the inactive ingredients in the sunscreen, and ensure that the sunscreen is safe for use in the sun. The TGA also reviews a small selection of listed products each year.

### INGREDIENT LISTS

In Australia, like many other countries, the ingredients of cosmetic products have to be listed in order of highest to lowest mass or volume. Ingredients that are at less than 1% concentration and colour additives can also be listed at the end instead, in any order. Either the English or International Nomenclature Cosmetic Ingredient (INCI) names can be used. For cosmetic products, exact percentages don't have to be listed.







However, therapeutic goods are exempted from these labelling requirements. Instead, they have to follow the special labelling requirements for therapeutic goods in Australia. This means that the Australian Approved Names of all of the active ingredients have to be listed, along with the proportions used in the product. This is generally given as a weight percentage (%w/w or %w/v) or a weight concentration per unit product (milligrams per gram (mg/g) or milligrams per mL (mg/mL).

Along with active ingredients, some other ingredients need to be listed if they're in a therapeutic product:

- Certain preservatives:
  - benzoates (benzoic acid, calcium benzoate, potassium benzoate or sodium benzoate)
  - hydroxybenzoate esters (ethyl, methyl, propyl, sodium ethyl, sodium methyl, sodium propyl hydroxybenzoates)
  - sorbates (sorbic acid or potassium sorbate)
- sulfites (sulfite, metabisulfite and bisulfite salts and sulfur dioxide)
- ethanol, if present at over 3% v/v
- any other antimicrobial preservatives
- peanuts and peanut products (e.g. peanut oil, arachis oil)
- other ingredients listed in Schedule 1 of TGO 69





Sunsense listed lip balm ingredients list







So on the one hand, we don't always get a full ingredients list for Australian sunscreens (annoying if you're sensitive to a particular ingredient in the base). On the other hand, we do get to know the exact percentage of each sunscreen filter, which is good if you're sensitive to them but only at high quantities.

Very rarely, some sunscreen brands have decided to release the full ingredient lists for their products (e.g. Ultra Violette). While this is amazing for us consumers, it does also place the brand at a competitive disadvantage, since other brands can more easily dupe their formulas. Ideally, I'd like if all therapeutic sunscreens had to provide full ingredient lists as well, since they're used in similar ways to other cosmetics.

UPDATE: The full ingredient lists are now available via the TGA's Australian Register of Therapeutic Goods (ARTG) database! They're in alphabetical order, and they use International Non-proprietary Names (INNs) rather than INCI names so they sometimes look a bit weird, but they're there!





### **EXPIRY DATE AND BATCH NUMBER**

An expiry date also needs to be printed on the packaging for therapeutic sunscreens. To work out the expiry date, manufacturers need to test the  $% \left\{ 1,2,\ldots ,n\right\}$ finished product in the intended container. The product is either left at the recommended conditions for the real amount of time (e.g. 30  $^{\circ}\text{C}$  for 2 years) or at equivalent accelerated testing conditions (e.g. 30 °C for 2 years is considered to be equivalent to 40  $^{\circ}\text{C}$  for 6 months).

The product is checked to ensure that there aren't any microorganisms that have grown to unsafe levels (microbiological stability). It's also checked for physical stability (whether there are any changes to its appearance, odour or texture, and whether it degrades the container) and chemical stability (pH changes, or if the active ingredients break down).

The batch number of the sunscreen also needs to be printed on the container, so any irregularities can be traced.



Ombra sunscreen expiry date and batch number





. . .

Cosmetic sunscreens also often have expiry dates and batch numbers, and good manufacturers will also perform similar stability tests – but this isn't mandatory, and brands may skip this test for cost-cutting reasons, or to rush a product to market faster.

### MANUFACTURING

Therapeutic sunscreens also need to be manufactured according to the Good Manufacturing Practice code. This covers things like standards for raw ingredients, product quality and stability testing, and the facilities where therapeutic goods can be manufactured. This is often an issue for overseas manufacturers, since getting TGA approval for an overseas facility can be very difficult.

### OTHER REQUIREMENTS

I've only really listed the requirements that are relevant for us as skincare consumers here. There are other regulations, like the words that can't be used on sunscreens (sunblock, waterproof, sweatproof), and requirements for reporting adverse reactions.

There's also a requirement that sunscreens can't suggest that they don't need reapplication (e.g. "all day protection"). This means that even with improvements in technology that allow longer wear, this claim can't be made – so unfortunately it does mean that this probably isn't an area of innovation that Australian sunscreen manufacturers will be investing in.





Hopefully this was an interesting insight into the regulations surrounding sunscreen, and the implications for the types of products we see on the market!

### REFERENCES

Therapeutic Goods Administration, Australian regulatory guidelines for sunscreens (ARGS) Version 1.2 (last updated 30 August 2019, current version as of 19 Jan 2020)

- Analysis, Skincare
  analysis, skincare, sun protection
  My Lazy Haircare Routine for Coloured Hair
  More Sunscreens in Your Blood??! The New FDA Study





RELATED POSTS





Lip Balm Review: Nuxe, Bite, Laneige,

Chapstick, Burt's Bees...



Purito Ranking Sunscreen and Reddit's Top All About SPF Skincare Testing (with Products video)



Better Than Retinol?



# 17 thoughts on "What's the deal with Australian sunscreen?"

Simone Ménager 19 January 2020 at 10:54 pm

What an informative, clear explanation of the sunscreen industry. Thank you.

That is very interesting! When I was in Australia, the sunscreen labelling confused me. But I like the strict approach, would make me feel safe.

Line 21 January 2020 at 3:10 am

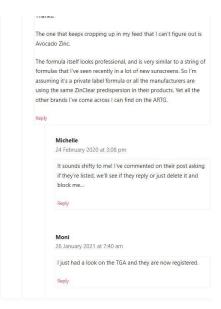
I realise this comment should belong on a diffrent post but i am not sure which one so here goes nothing:

I remember you mentioned that humanctants can counteract drying alcohols in say

So if i live in a dry climate and only have found an alcohol-containing suscreen how



would i best avoid TEWL/dehydration? SHOP NOW do i add a humectant toner, the a moisturizer let them sink in and then apply my alcohol containing sunscreen? (btw i use the nivea sensitive sunscreen line because they are super cheap and dry down enough to not migrate into my eyes) The best from Line 25 January 2020 at 3:10 am really helpful for myself. Im going to Melbourne in 2 weeks, looking really forward to it. franziska from powder brows Reply NEW STYLES Bertram 17 February 2020 at 2:30 pm UP TO 60% OFF Ah, so I can see that the 50+ Bioderma product pictured is a cosmetic sunscreen as it would fall into the foundation category. Unfortunately I have seen so many products marketed as sunscreens with an SPF of  $30 + \mbox{ or } 50 + \mbox{ and not listed with the TGA}$  . They are definitely not lip products or foundations. One in particular keeps popping up in ads on my social media feeds. Is there any legitimate way for a moisturiser with sunscreen to have a label with SPF 30+ THOUSANDS OF ITEMS or 50+ (and bypass the TGA), or are they simply non-compliant? Thanks!!! Michelle 18 February 2020 at 12:54 am There might be some loopholes but it would be difficult – if you could share the specific product I could see if there's any wiggle room? 18 February 2020 at 2:19 pm



### Kimberly L Williams

25 May 2020 at 8:24 am

Hello. I love your informed articles on sunscreen. I am in the US and can only get physical zinc or titanium sunscreens (chemical or organic sunscreens often irritate my skin or eyes, so I keep waiting for newer physical blockers like Tinsorb, etc to be here in the US). I might be able to try ordering an Australian sunscreen to see if any of those newer sunblocks that we don't have irritate me. Do you have any recommendations for sensitive skin?

Also, do you know how much zinc oxide or titanium oxide is required by percentage to get the appropriate SPF's of 30 or 50? I'm not sure all our physical sunscreens have a high enough amount for the SPF, so a guideline would be helpful.

Thanks so much if you are able to respond.

Reply





# thank you for the post Michelle <3 So I think this kind of approach is applicable in the case of Paula's Choice. They chose to list their sunscreen as Moisturizer with SPF15 just to avoid all the paperworks and cumbersome with TGA. What do you think? Do you recommend Paula's Choice sunscreen? Thanks Reply Kate 3 October 2020 at 5:49 pm I'm trying to buy Purito sunscreen with niacinimide but I've noticed the niacinimide is not included in the ingredients the Australian shops. Is this a change in formula for the Australian requirements? Reply Shira 4 December 2020 at 12:18 pm Dont buy it! It's has an spf of 19, and since I've start using it (more than a year now) I'm getting sooo many pigmentation spots. Def. Go for the Australian sunscreen! Reply Shira 4 December 2020 at 12:19 pm @michelle, can you please give us some recommendations of your favourite Australian sunscreens? I have a medium skin tone, so something that doesn't turn me into a ghost would be great!:p

26 January 2021 at 7:53 am

Thank you for a great article Michelle





name you for a great article inferience.

The sunscreen I use isn't listed on the TGA website. I've looked at the packaging and there is no number either. It says luminizing superfluid SPF50 so obvs I trusted it would protect my face.

I have noticed my skin has been red since using it so I am now thinking I am possibly getting burnt.

Does a sunscreen that does not claim to be predominantly a sunscreen bypass any 3rd party verification of SPF and potentially can be less? If so if they were giving misinformation would this be something the ACCC would look at? I think that's what I understand from the article.

Are we better off using a sunscreen listed with the TGA to be sure of the SPF?

Many thanks

Panh

### Sushma Bramhacharva

4 March 2021 at 11:39 am

Your article has really helped me to clear my doubts regarding what type of sunscreen is better for the skin. Most of the sunscreen hides their ingredients. I was really concerned on what types of ingredients they use in those products, are these ingredients harmful to our body if we use them continuously? what happens if we ingest some of the ingredients we apply to the lips.

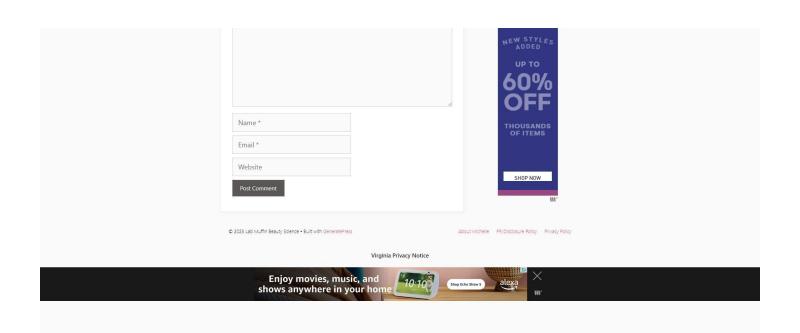
In the post you have mentioned that cosmetic sunscreen contains animal organ. But how can we be sure that therapeutic sunscreen does not contain them. How can we be sure that therapeutic sunscreen works different than cosmetic sunscreen. Does meeting TGA requirement means they do not do any harmful effect on our body?? I also want to know some of the therapeutic sunscreen that works better and affordable. I really appreciate your article. This one of the best article that has described in detail about the sunscreen. I will be looking forward for more related content.

Reply

Pingback: Slip, Slop... Slapped with a Fine? The TGA's New Influencer Advertising Rules – Digital Marketing With Milly

### Leave a Comment

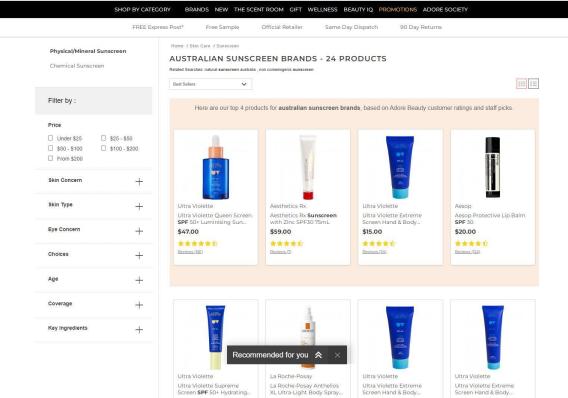


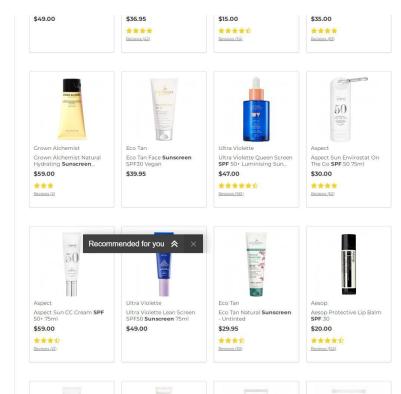




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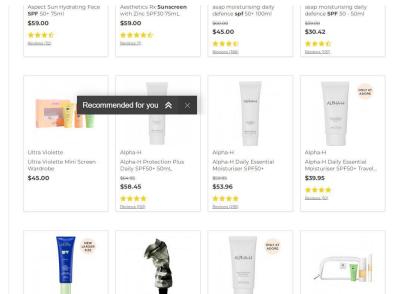
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asap

Mayor Bassania Adi Sasa

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asap



### Other matching results

Ultra Violette Clean Screen SPF30 Skinscreen 75ml

Ultra Violette

\$47.00



Alpha-H

\$47.95

★★★★ Reviews (14)

Alpha-H Protection Plus Daily SPF50+ Travel Size...

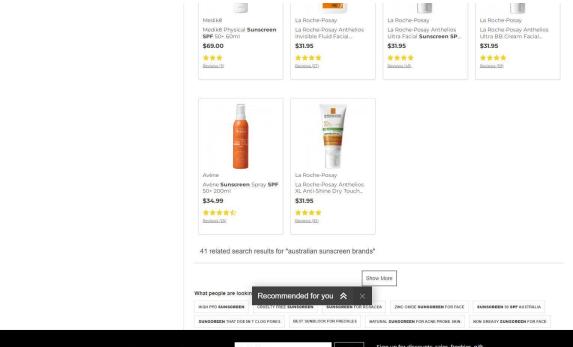
Aesop Sage & Zinc Facial Hydrating Cream SPF15 -...

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★★★☆ Reviews (23) Biologi

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FI D & INFO

# Australian Sunscreen

Australian sunscreen is widely trusted around the world due to Australia's high UV climate and the high standards of Australian products. Some of the best Australian sunscreen brands are Gold, Cancer Council, Banana Boat and Nivea. Offering 50+ UVA and UVB broad spectrum protection. If you are looking for a sunscreen you can trust you cant go past the range and quality from home.

Brands



Cancer Council Moisture Sunscreen Spf 50+ 110ml \$27.99 USD



Cancer Council Ultra Spf 50+ Sunscreen 110ml \$27.99 USD \$20.99 USD



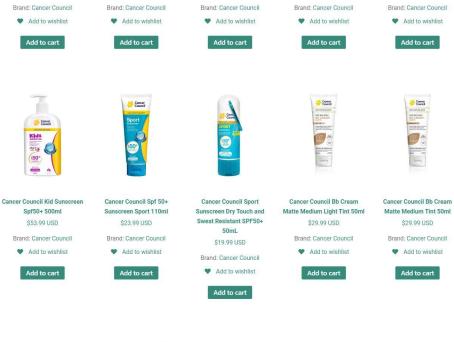
Cancer Council Australia Roll On Sunscreen SPF 50+ 75mL \$20.50 USD



Cancer Council Day Wear Water Resistant Spf 50+ 75ml \$27.99 USD



Cancer Council Kids Sunscreen SPF 50+ 110mL \$27.99 USD \$20.99 USD











La Tan SDF 50+ Coconut

Ranana Roat Onf 50±

Nivos Sun Vide Onf 50±

NATIO Moieturieina Cun

Sunscreen Lotion 500ml \$44.99 USD

Brand: LeTan

✓ Add to wishlist

Sunscreen Sport 200g \$32.95 USD \$24.71 USD

Brand: Banana Boat

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Sunscreen Roll On 65ml

\$27.99 USD Brand: Nivea

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Lotion SPF 50+ 200 mL

\$33.99 USD

Brand: Natio

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Dotails

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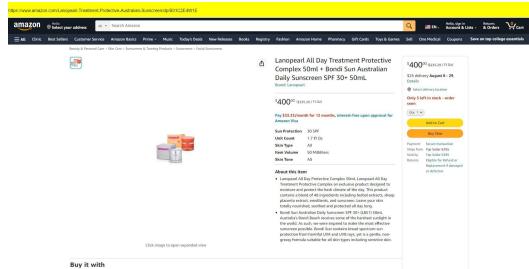


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This item: Lanopearl All Day LA Fresh Mosquito Repellent Treatment Protective Complex Wipes - Long Lasting Bug Total price: \$474.20

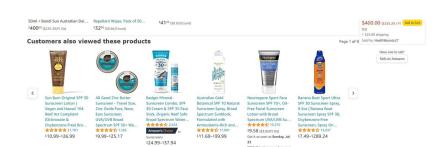
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Add to List

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your content and executive and along transmission. Size distinct where
your content and exists with third great yellers, and we don't still your
information to others. Learn more
Seque that the security of the security



Droduct	informat	ion

Troduct Information		
Manufacturer	Lanopearl	Warranty & Support
ASIN	B01C2E4W1E	Product Warranty: For warranty information about this product, please click here
Best Sellers Rank	#1,473,140 in Beauty & Personal Care (See Top	Feedback
	100 in Beauty & Personal Care) #3,599 in Facial Sunscreens #119,564 in Facial Skin Care Products	Would you like to tell us about a lower price? ~
Is Discontinued By Manufacturer	No	
Date First Available	February 22, 2016	

### Important information

### Videos

Help others learn more about this product by uploading a video!

Some kind of test override title
Some kind of test override Some kind of test override link text

Alban Maria	
Looking for specific info?	
Q. Search in reviews, Q&A	
Typical questions asked about products:	
- Is the item durable?	
- Is this item easy to use?	

 Customer reviews
 0%

 5 star
 0%

 4 star
 0%

 3 star
 0%

 1 star
 0%

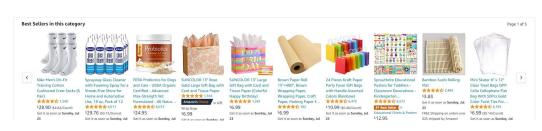
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→ How customer reviews and ratings work

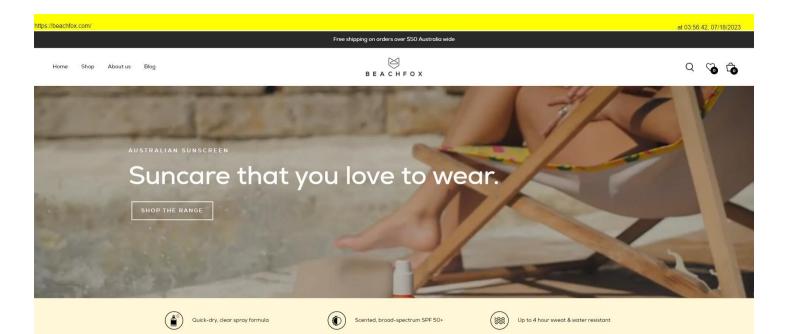
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# Review this product Share your thoughts with other customers

Write a customer review



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### SPF 50+ scented clear spray sunscreen

Designed for the Australian lifestyle, Beachfox sunscreens apply easily, absorb quickly and get the job done right with broad-spectrum hassle-free protection. Oh, and they smell incredible!







Lime Sunscreen SPF 50+ \$21.00



Grapefruit Sunscreen SPF 50+ \$21.00



Coconut Sunscreen SPF 50+ \$21.00

#### OUR STOCKISTS

#### Find Beachfox in trusted retailers







THE ICONIC

swimweargalore







# Ethical, environmentally friendly, and just generally lovely to hang out with.

We're more than just a pretty face, we're super kind...to your skin and the planet. \$1 of every order goes to restoring the reef!

- Cruelty-free/vegan
- Recyclable bottle
- Ocean friendly & paraben free











## Remail or a till

## Remail

REVIEWS

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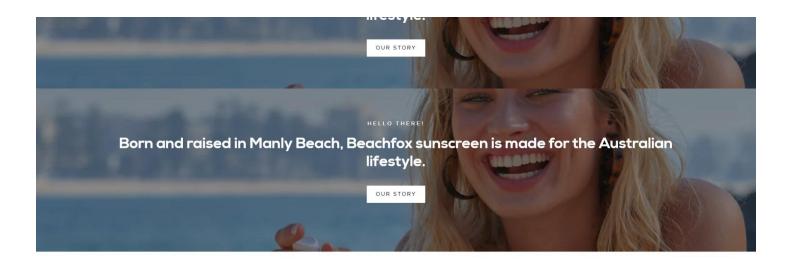
Such an awesome product! I'm in love with the vanilla one, smells soooo delicious! I don't have to wear perfume after I've been sunbathing haha. Delivery was fast as well (took 2 days to get to Curl Curl). Highly recommend!.

- Martha

<>



Born and raised in Manly Beach, Beachfox sunscreen is made for the Australian lifestyle



#### BLOG POST

#### Latest news



Why SPF shouldn't be saved for summer.



'But trust me on the sunscreen...'



We chat with volleyball champion Sam Halley

"If I could offer you only one tip for the future, Sam Halley has become something of a local around sunscreen would be it... the Northern Beaches of Sydney...

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https://bluelizardsunscreen.com/pages/about-us at 03:52:45, 07/18/2023





Q FAGS FIND A STORE ACCOUNT



#### **ABOUT US**

Blue Lizard Australian Sunscreen was born in the harsh climate of Australia, where extreme UV rays make strong sun protection a must. Our Blue Lizard Sunscreen withstood the elements and earned the trust of countless dermatologists before making its way to the USA.



## We're Passionate about Skin Safety



For years, our sunscreens were available almost exclusively through dermatologists' offices. Now, we're proud to bring our dermatologist-



recommended sunscreens to families across the

We are passionate about shielding you from the sun's harmful rays with mineral and mineral-based products that are fun, easy-to-use and that offer real protection.





## Did You Know?

Blue Lizard is named after a chameleon that changes color to protect itself. Just like the lizard, our bottles and tube caps change color in harmful UV rays, reminding you to protect yourself by applying sunscreen.



## The Mineral Sunscreen Experts

For over 20 years, Blue Lizard has created mineral and mineral-based sunscreens for everyone.

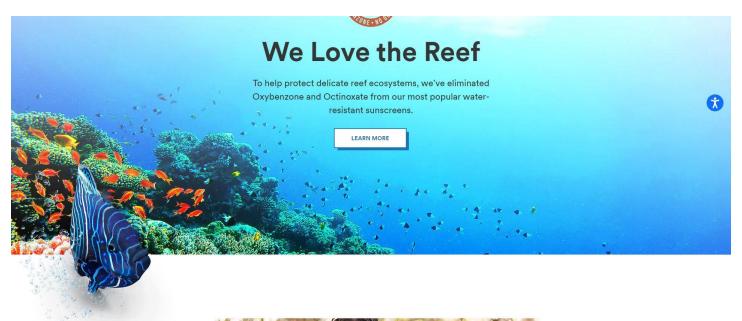
Every Blue Lizard Sunscreen begins with the mineral Zinc Oxide, which provides broad spectrum sun protection. Zinc Oxide protects you by forming a protective layer on top of your skin and scattering UV rays away from your body. This mineral active ingredient is gentle enough for every member of your family.

LEARN MORE











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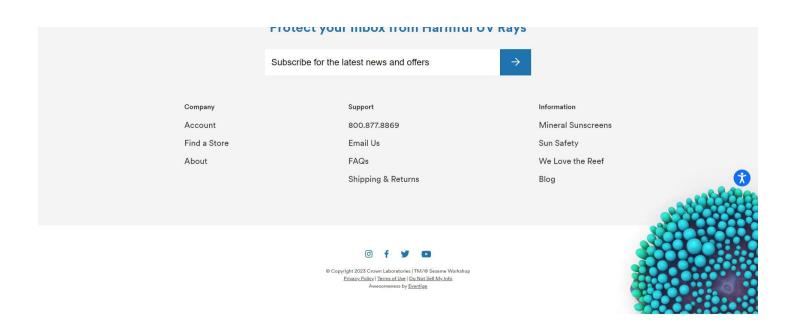
### We're Outdoorsy

Our team loves the outdoors. We're hikers, runners, cyclists and parents who cheer too loudly during soccer matches. Our company softball team is as serious about the game as they are about sun safety.

We're not afraid to have fun and we never want irritating chemicals or a sunburn to ruin a good time. That's why we're committed to developing the best mineral and mineral-based sunscreens for you and your family.



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#### **United States Patent and Trademark Office (USPTO)**

#### **USPTO OFFICIAL NOTICE**

Office Action (Official Letter) has issued on July 18, 2023 for U.S. Trademark Application Serial No. 97602478

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) Read the Office action. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be abandoned. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO <u>website</u>, the application process, the status of your application, and whether there are outstanding deadlines to the <u>Trademark Assistance Center (TAC)</u>.

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

#### GENERAL GUIDANCE

- <u>Check the status</u> of your application periodically in the <u>Trademark Status & Document Retrieval (TSDR)</u> database to avoid missing critical deadlines.
- <u>Update your correspondence email address</u> to ensure you receive important USPTO notices about your application.
- Beware of trademark-related scams. Protect yourself from people and companies that
  may try to take financial advantage of you. Private companies may call you and pretend
  to be the USPTO or may send you communications that resemble official USPTO
  documents to trick you. We will never request your credit card number or social security
  number over the phone. Verify the correspondence originated from us by using your
  serial number in our database, TSDR, to confirm that it appears under the "Documents"
  tab, or contact the Trademark Assistance Center.
- Hiring a U.S.-licensed attorney. If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.